



Appeal Decision

Hearing and site visit held on 20 September 2006

by **Roger Dean** BSc Dip TP MRTPI

an Inspector appointed by the Secretary of State for
Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date: 26 October 2006

Appeal Ref: APP/P0810/A/06/2005817

Former Fairview Hotel, 28 Tywarnhayle Road, Perranporth, Cornwall TR6 0DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Kingscourt Homes Ltd against the decision of Carrick District Council.
- The application, Ref: PA21/1415/05/R dated 7 July 2005, was refused by notice dated 21 October 2005.
- The development proposed is the conversion of a hotel into seven flats and associated works including car parking.

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out below in the Formal Decision.

Preliminary Matters

1. During the course of the application, amended plans and drawings were submitted numbered SL.01A, SC.01A, SF.01A, FF.01A, GF.01A, SL.01A and 14150501A.
2. By making a unilateral undertaking, the appellants have entered into planning obligations under Section 106 of the 1990 Act. If the development were to proceed, these obligations would require financial contributions to be made towards educational infrastructure and open space provision in the area.

Main Issues

3. I consider that the main issues arising in this appeal are as follows: (a) the effect of the proposed development on the character and appearance of the area; (b) whether parking space could be provided and accessed without compromising the safety and convenience of vehicle users and pedestrians; (c) whether satisfactory outdoor amenity provision would be made for occupiers of the proposed flats; (d) the effect of the proposals on living conditions in adjoining dwellings with particular reference to overlooking concerns; and (e) whether provision should be made in the scheme for an element of affordable housing.

Planning Policy

4. The development plan for the area includes the Cornwall Structure Plan 2004 (CSP) and the Carrick District-Wide Local Plan (CDWLP), adopted in 1998. Relevant policies referred to me seek to protect the character and appearance of the area (CSP Policies 1 & 2 and CDWLP Policy 6D), ensure satisfactory parking and safe access (CDWLP Policies 6D, 6K and 6L), provide satisfactory on-site amenities (CDWLP Policy 6K), require that flat conversions avoid adverse privacy impacts upon adjoining properties (CDWLP Policy 6L) and provide a mixture of dwelling types which enhance housing opportunities for all (CSP Policies 8 and 9).

5. The Carrick District Design Guide includes standards for outdoor private space provision (section 3.2.2). The Cornwall Design Guide, at page 39, gives recommended dimensions in relation to car parking. Both design guides have been adopted as supplementary planning guidance and therefore carry significant weight.
6. The Council has prepared a development plan document entitled Balancing Housing Markets in which Policies BHM1 and what is now BHM4 seek the provision of affordable housing in schemes within settlements such as Perranporth. I am informed that this document is to be considered at an Inquiry later this year. However, as there are outstanding objections to these policies, they do not carry significant weight in the determination of this appeal.

Reasons

Character and appearance

7. The appeal property lies towards the seaward end of a residential street containing a mixture of dwelling types, including flats. It is boarded-up and in a dilapidated condition. The proposals involve little change to the front of the building and seek to provide new extensions in place of unattractive projections at the rear. The footprint of the building would be reduced.
8. Part of the front boundary wall would be removed to enable two parking spaces to be provided in the front garden. A similar length of walling was proposed to be removed to access a parking area under a previously permitted scheme for the conversion of the premises into two dwellings. The Council now regrets this aspect of the previous decision but the permission is in force and is capable of being implemented for some time yet. I take into account also the lower height of the wall at this end of the property frontage and the fact that it forms a considerably less prominent feature in the street scene than the wall fronting adjoining properties. Consequently, I do not consider that the proposals would adversely affect the character and appearance of the area or conflict with Cornwall Structure Plan Policies 1 and 2 or Local Plan Policies 6D and 6K.

Car parking

9. Seven parking spaces are proposed in the scheme. Concerns have been expressed by interested persons about congestion in this part of Tywarnhayle Road but the local planning authority regards the amount proposed as sufficient. I agree, particularly since parking for visitors to the flats could be accommodated in the large public car park nearby. Five of the spaces proposed would be served by Tregundy Close, a narrow and poorly surfaced lane alongside the premises which also serves several garages and other properties at the rear. Under the permitted scheme for two dwellings, it would also serve a parking area at the rear of one of those dwellings.
10. In the appeal scheme, two of the five spaces proposed in Tregundy Close would be arranged in lay-by form alongside the building and its front garden. To gain access, reversing movements either from or into Tywarnhayle Road would be necessary. Bearing in mind the amount of traffic already generated in Tregundy Close, its narrowness and the limited visibility at its junction with Tywarnhayle Road, I consider that reversing would be an unsafe manoeuvre that would constitute a hazard to other vehicle users and pedestrians.

11. At the Hearing, an alternative arrangement was suggested as shown by drawings numbered TL.01/1 and TL.01/2. This would allow spaces of appropriate dimensions to be provided with a turning facility in Tregundy Close. I have taken account of the fact that Tregundy Close also provides the only means of pedestrian access to some other properties and although the overall level of traffic would be increased, I have come to the view that the widening shown by the suggested alternative, together with surfacing improvements, would ensure that pedestrian safety would not be compromised. I have noted that the revised arrangements would take an additional part of the garden area of the appeal property but as the front boundary wall would remain at this side, I do not consider that any material harm would be caused to the appearance of the frontage. I conclude, therefore, that on the basis of the alternative parking arrangements, the proposals would not prejudice the safety or convenience of vehicle users or pedestrians and would neither conflict with the policies of the local plan nor the supplementary planning guidance to which I have been referred.

Amenity space

12. Amenity areas are proposed in the front garden of the property and in a courtyard at the rear which wraps around the building to give a drying area at the side. Some balconies are also proposed but these are mostly very small.
13. In my opinion, the usable areas for private or communal amenity would be considerably less than the total space shown by the appellants. In my estimation, they would fall short of the space standard set out in the Carrick Design Guide. Also, the sitting-out area suggested in the front garden is open to view from passers-by and it would be several years before screen planting along the front boundary would afford seclusion. Nonetheless, I bear in mind that the Council's space standards are expressed only as a general guide, and the supplementary planning guidance acknowledges that the stated amount of outdoor space may be relaxed in the case of smaller units in close proximity to local open space.
14. In this instance, the site is close to open space along the cliff tops where paths and many seating positions are available to enjoy the magnificent coastal scenery. Whilst these are obviously not private surroundings, I take the view that the opportunity for quiet relaxation in such a favourable environment adequately compensates for a shortfall in outdoor space provision on the site. The location of the proposed development is therefore such that the limited provision of on-site amenities would not result in an unacceptable standard of residential amenity and thus there would be no conflict with Local Plan Policy 6K.

Impact upon adjoining dwellings

15. The proposed two-storey rear extensions would accord with the scale of such features in existing properties to the south. A kitchen window at first floor level in one of the proposed extensions would overlook the courtyard of Fairview Cottage but this could be fitted with obscure glazing to prevent an intrusion into neighbours' privacy.
16. In another unit, glazed doors would open onto a balcony at first floor level and would face the rear garden of Tregundy Cottage. However, owing to the distance involved and the fact that this property's rear garden has little seclusion due to the low height of the boundary wall along Tregundy Close, I find that this element of the conversion scheme would not result in a material loss of privacy. I conclude on this issue therefore that the scheme would not significantly harm living conditions in adjoining dwellings and would not conflict with Local Plan Policy 6L.

Affordable housing

17. Whilst, as I have explained, the local planning authority's emerging policies in this regard carry little weight in this appeal, I am conscious of the pressing need for affordable housing in the District. The Council's representatives explained to me at the Hearing that they had considered an appropriate level of affordable housing on this site in connection with a current proposal for the conversion of the property into six units, taking viability into account. Accordingly, in connection with the appeal scheme, it now considers that one of the seven units would be an acceptable level of affordable provision. Government Circular 06/98: *Planning and Affordable Housing* explains that such provision may be secured by condition and with such a requirement in place, I conclude that the proposals would accord with Structure Plan Policies 8 and 9.

Conditions

18. I have considered the conditions suggested by the local planning authority in the event of a successful appeal and those which were discussed at the Hearing. Conditions to meet the requirements I have identified could be framed to accord with the advice contained in Circular 11/95: *The Use of Conditions in Planning Permissions*.

Conclusions

19. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Formal Decision

20. I allow the appeal, and grant planning permission for the conversion of a hotel into seven flats and associated works including car parking at the former Fairview Hotel, 28 Tywarnhayle Road, Perranporth, Cornwall in accordance with the terms of the application, Ref: PA21/1415/05/R dated 7 July 2005, and the plans submitted with it, as amended, subject to the following conditions:
- 1) The development hereby permitted shall begin before the expiration of five years from the date of this decision.
 - 2) The development shall not begin until a scheme for the provision of not less than one unit of accommodation of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:
 - i. the location of the affordable housing provision to be made;
 - ii. the timing of the construction of the affordable housing;
 - iii. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - iv. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced.

- 3) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials, minor artefacts and structures eg. refuse or other storage units.
- 4) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the local planning authority.
- 5) No dwelling shall be occupied until parking spaces have been laid out within the site in accordance with drawings numbered TL.01/1 and TL.01/2 and turning space provided so that vehicles may enter and leave Tregundy Close in forward gear.
- 6) No dwelling shall be occupied until the section of Tregundy Close within the appellants' ownership has been resurfaced in accordance with a scheme to be submitted to and approved in writing by the local planning authority.
- 7) Before any of the dwellings hereby permitted is occupied, the window to the kitchen at the southern end of the first floor of the scheme facing the rear courtyard of Fairview Cottage shall be fitted with obscure glazing and thereafter maintained in this form. Opening details of this window shall be agreed in writing with the local planning authority before any development is commenced. The window shall be installed and thereafter maintained in the agreed form.

R.G Dean

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr J A Gibbs	Carrick District Council, Carrick House, Pydar St, Truro TR1 1EB
Ms S Wetherill	as above
Mr P James BSc (Arch)	as above

FOR THE APPELLANTS:

Mr J Adams BA (Hons) BTP MRTPI	Tetlow King Planning, Unit 2, Eclipse Office Park, Staple Hill, Bristol BS16 5EL
Mr P Morgan B Arch (Hons) Dip Arch RIBA	Tetlow King Architects, Lone Barn Studios, Stanbridge Lane, Romsey SO51 0HE
Mr D Pollard	Kingscourt Homes, 12 St Paul's Road, Newton Abbott, Devon TQ12 2HP

INTERESTED PERSONS:

Dr D J Quill Smart	27, Tywarnhayle Road, Perranporth TR6 0DX
Mr R F Jenkins	31B, Tywarnhayle Road, Perranporth TR6 0DX

DOCUMENTS SUBMITTED AT THE HEARING

Document 1	Copy of Council's letters of notification of the Hearing and list of persons notified.
Document 2	Copy of Local Plan Policy 5EA.

PLANS SUBMITTED AT THE HEARING

Plans A to G	Application drawings numbered SL.01A, SC.01A, SF.01A, FF.01A, GF.01A, SL.01A and 14150501A.
Plans H & I	Drawings numbered TL.01/1 and TL.01/2 showing alternative parking arrangements.